

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:24-cv-22883-KMW

CARLOS BRITO,

Plaintiff,

v.

PROLOGIS, L.P. f/k/a AMB PROPERTY,
L.P.; and PECLAU LLC d/b/a BOCAS
GRILL,

**VERIFIED CERTIFICATE OF PLAINTIFF'S COUNSEL
REGARDING PRIOR FILINGS UNDER THE AMERICANS WITH
DISABILITIES ACT FOR THE SUBJECT PROPERTIES AND DEFENDANTS**

COMES NOW, counsel for Plaintiff, CARLOS BRITO, hereby files her response to the Court's July 30, 2024, Order Requiring the filing of a Verified Certificate of Counsel Regarding Any Prior Filings Under the Americans with Disabilities Act [D.E. 4]. Undersigned counsel states and verifies the following to the best of her knowledge:

1. That counsel, in good faith and prior to filing this action, conducted a search of case filings in the records of the Clerk of the United States District Court for the Southern District of Florida to ascertain whether the Defendant or the Defendants' properties and businesses have ever been sued prior to the filing of this suit for alleged violations for the same, similar, or any violations of the Americans with Disabilities Act.

2. As a result of the initial search of the case filings, Plaintiff's counsel concluded that Defendant, PROLOGIS, L.P. f/k/a AMB PROPERTY, L.P., a Florida Limited Partnership, has been sued at this property prior to the filing of this suit for alleged A.D.A. violations in the United States District Court for the Southern District of Florida.

3. Defendant, PROLOGIS, L.P. f/k/a AMB PROPERTY, L.P.¹'s prior case on the subject commercial property is *Madrinan v. Delaware AMB Property, L.P.*, Case No.: 1:10-cv-20587-AJ. On May 24, 2010, Defendant filed a Notice of Settlement. On May 26, 2010, the Court submitted an Order dismissing the case and therefore, closing the case. Undersigned's counsel reached out to counsel for each party involved in this action. Plaintiff's attorney indicated that the settlement agreement contained a provision of confidentiality and therefore, could not disclose any details. As such, it is unclear whether the parties complied with the settlement agreement or what actions were taken to comply with the settlement agreement.

4. The results of the search concluded that Defendant, PECLAU LLC d/b/a BOCAS GRILL, has not been sued at this property prior to the filing of this suit for alleged A.D.A. violations in the United States District Court for the Southern District of Florida.

5. Undersigned counsel conducted said search of case filings in the records of the Clerk of the United States District Court for the Southern District of Florida in order to verify whether or not any such prior case filings against the Defendant. The search was conducted prior to filing the instant Action and re-verified prior to filing this document.

Pursuant to 28 U.S.C., Section 1746, I declare and verify under penalty of perjury that the foregoing is true and correct.

Dated this August 13, 2024.

Respectfully Submitted,

GARCIA-MENOCAL, P.L.
Attorneys for Plaintiff
350 Sevilla Avenue, Suite 200
Coral Gables, FL 33134

¹ The Defendant PROLOGIS, L.P.'s name does not appear in the prior suit because the entity had a different name at the time, however the property at issue in *Madrinan v. Delaware AMB Property, L.P.* is the same Commercial Property Plaintiff at issue in this action.

Telephone: (305) 553-3464
Primary E-Mail: bvirues@lawgmp.com
Secondary E-Mails: amejias@lawgmp.com
jacosta@lawgmp.com

By: /s/ Beverly Virues
BEVERLY VIRUES
Florida Bar No.: 123713
ARMANDO MEJIAS
Florida Bar No.: 1045152

THE LAW OFFICE OF RAMON J. DIEGO, P.A.
Attorneys for Plaintiff
5001 SW 74th Court, Suite 103
Miami, FL, 33155
Telephone: (305) 350-3103
Primary E-Mail: rdiego@lawgmp.com
Secondary E-Mail: ramon@rjdiegolaw.com

By: /s/ Ramon J. Diego
RAMON J. DIEGO
Florida Bar No.: 689203

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's electronic filing system upon all parties of record on this August 13, 2024.

Respectfully Submitted,

GARCIA-MENOCAL, P.L.

Attorneys for Plaintiff

350 Sevilla Avenue, Suite 200

Coral Gables, Fl 33134

Telephone: (305) 553-3464

Primary E-Mail: bvirues@lawgmp.com

Secondary E-Mails: amejias@lawgmp.com
jacosta@lawgmp.com

By: /s/ Beverly Virues

BEVERLY VIRUES

Florida Bar No.: 123713

ARMANDO MEJIAS

Florida Bar No.: 1045152